

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Gail E. Radcliffe, et al

Serial No.: Not Yet Assigned; a continuation
application of co-pending application S.N.
10/012,874, filed November 12, 2001

Filed: Herewith

For: SYSTEMS AND METHODS FOR
GENERATING FLUID SAMPLES HAVING
SELECT CONCENTRATION OF
PARTICLES

)
)
) **Group Art Unit:** 2856 (Parent Appl)

)
) **Examiner:** Noland, Thomas (Parent
) Appl)

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO/SB/08A (08-00). Copies are not enclosed since each item was submitted or cited in a parent application (Serial No. 10/012,974).

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

☒ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d) or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

☐ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

☐ The fee due under 37 CFR § 1.17(p) is submitted herewith.

☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

STATEMENT UNDER 37 CFR § 1.97(e):

☐ Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.

☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.


PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

- ☐ A check in the amount of _____ is enclosed for the above fee(s).
☐ Please charge _____ to Deposit Account No. **50-2518** for the above fee(s).

The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Bingham McCutchen's Deposit Account No. **50-2518**.

Respectfully submitted,
BINGHAM McCUTCHEN LLP

Dated: 8/25/03

By: 
David T. Burse
Reg. No. 37,104

BINGHAM McCUTCHEN LLP
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San Francisco, CA 94111-4067
(650) 849-4400

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>			Complete if Known	
	Application Number	Not-Yet-Assigned		
	Filing Date	Herewith		
	First Named Inventor	Radcliffe et al.		
	Group Art Unit	2856 (Parent App)		
	Examiner Name	Thomas Noland (Parent App)		
	Attorney Docket Number	CYM-024CON2 (7035713001)		
Sheet	1	of	3	

U.S. PATENT DOCUMENTS						
Examiner Initials *	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	1	164,451		Hellen	06-15-1875	
	2	536,552		Swift et al.	03-26-1895	
	3	3,397,656		Abarotín et al.	08-20-1968	
	4	3,452,586		Childs et al.	07-01-1969	
	5	3,488,993		Royner	01-1990	
	6	3,495,463		Howell	02-17-1970	
	7	3,575,486		de Posada et al.	04-20-1971	
	8	3,652,146		George	03-28-1972	
	9	3,851,972		Smith et al.	12-03-1974	
	10	3,900,290		Hornstra	08-19-1975	
	11	4,137,915		Kamen	02-06-1979	
	12	4,303,533		Fremont	12-01-1981	
	13	4,330,440		Ayers et al.	05-1982	
	14	4,335,206		Wilkins et al.	06-15-1982	
	15	4,339,101		Carlson	07-13-1982	
	16	4,341,128		Murakoshi et al.	07-27-1982	
	17	4,395,493		Zahniser et al.	07-26-1983	
	18	4,410,164		Kamen	10-18-1983	
	19	4,411,649		Kamen	10-25-1983	
	20	4,435,507		Stenkvis	03-06-1984	
	21	4,446,725		Schulz	05-08-1984	
	22	4,449,976		Kamen	05-22-1984	
	23	4,453,807		Faulkner et al.	06-12-1984	
	24	4,501,495		Faulkner et al.	02-26-1985	
	25	4,506,960		Waggoner et al.	03-26-1985	
	26	4,552,033		Märzhäuser	11-12-1985	
	27	4,583,396		Hunt et al.	04-22-1986	
	28	4,609,264		Podvin et al.	09-02-1986	
	29	4,614,716		Rohrback et al.	09-30-1986	
	30	4,634,426		Kamen	01-06-1987	
	31	4,673,820		Kamen	06-16-1987	
	32	4,680,462		Kamen	07-14-1987	
	33	4,727,758		Mudock	03-01-1988	
	34	4,749,109		Kamen	06-07-1988	
	35	4,765,963		Mukogawa et al.	08-23-1988	

Examiner Signature		Date Considered	
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* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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		Number	Kind Code ² (if known)			
	36	4,778,450		Kamen	10-18-1988	
	37	4,778,451		Kamen	10-18-1988	
	38	4,786,800		Kamen	11-22-1988	
	39	4,879,431		Bertonini	11-1989	
	40	4,930,359		Wolfrum et al.	06-05-90	
	41	5,095,740		Hodgson et al.	03-17-1992	
	42	5,190,666		Bisconte	03-02-1993	
	43	5,308,483		Sklar et al.	05-03-1994	
	44	5,375,477		Neill et al.	12-27-1994	
	45	5,505,854		Gloves et al.	04-1996	
	46	5,588,535		Thornton et al.	12-1996	
	47	5,624,815		Grant et al.	04-29-1997	
	48	6,010,909		Lapidus	01-04-2000	

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		Office 3	Number ⁴	Kind Code ⁵ (if known)				
	49		0 244 999 A2			11-11-1987		
	50		0 244 999 A3			11-11-1987		
	51		0 244 999 B1			11-11-1987		
	52		1 400 530			07-16-1975		
	53		1,178,183			11-20-1984		
	54		1160265			06-07-1985		
	55		157637			06-18-1990		
	56		2 054 200			02-11-1981		
	57		2 643 285			08-24-1990		
	58		2 672 995			08-21-1992		
	59		32 23 589			12-29-1983		
	60		50-18620			02-1975		
	61		87-05224			09-11-1987		
	62		87-05225			09-11-1987		
	63		87-07161			12-03-1987		
	64		875246			10-23-1981		
	65		917035			04-05-1982		

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		Office 3	Number ⁴	Kind Code ⁵ (if known)				
	66		WO 95-14533			06-01-1995		
	67		WO 96-14578			05-17-1996		

OTHER DOCUMENTS -- NON PATENT LITERATURE			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and-or country where published.	T ²
	68	Aekins "Process And Apparatus For The Preparation Of Liquid Samples Such As Urine Or Other Body Fluids For Transport To An Analysis Point", Analytica Chima Acta, Vol. 163 (1984)	
	69	Hoegaerden et al., "Process and Defice for Filerling Liquid or Gas Samples Laden With Particles to be Analyzed" Patent Abstracts of Europe (WO 09010211A1) 9-7-90.	
	70	Aekins "Process And Apparatus For The Preparation Of Liquid Samples Such As Urine Or Other Body Fluids For Transport To An Analysis Point" Patent Abstracts of Europe (DE 03223589A1) 12-29-83.	
	71	Patrick et al., "Sensor Allowing the Continuous Measurement of the Particle Concentration in a Liquid Medium" Patent Abstracts of Europe (FR 0262995A) 8-21-92.	

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